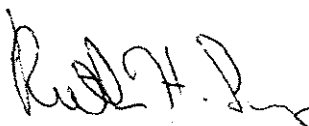


V.T.C.S. art. 6701d § 47. However, those provisions were found unconstitutional and unenforceable by the United States District Court for the Southern District of Texas, in *Moore v. Morales*, 843 F. Supp. 1124 (1994).² When an amendatory act is invalid, either for failure to observe constitutional requirements pertaining to its enactment or for violation of constitutional rights, the amendment is ineffective and the original enactment ordinarily remains in full force and effect. *Culberson v. Ashford*, 18 S.W.2d 585 (Tex. 1929); *see generally* 67 TEX. JUR. 3d *Statutes* § 56 (1989). Prior to the 1993 change, section 47 of article 6701d specifically made accident reports public information. *See* Open Records Decision No. 378 (1983) at 2. Therefore, the city must release the accident reports upon request.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling may be relied upon as a previous determination under section 552.301 regarding accident reports. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Government Section

RHS/LRD/rho

Ref.: ID# 22385

cc: Ms. Adriene Anderson
Anderson Courier Service
1922 Hickory Lawn
Houston, Texas 77077

²The court imposed a permanent injunction against enforcement of article 6701d, sections 47(a), (b), (c) and (f), V.T.C.S. (concerning release of accident reports for 180 days after accident); and against enforcement of Penal Code sections 38.12 (d)(2)(A), (B), (C) and (D) (prohibiting certain persons from written contact with various individuals, including those involved in an accident, for a 30 day period after the accident).